

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.233 OF 2002

IDL Industries Limited Plaintiff

versus

K.L.Wadhi & Co. Pvt. Ltd. & another Defendants

Mr.K.K.Tated for plaintiff with Vinay Rathi for plaintiff.

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th July 2005

PC :

1. Mr.Tated tenders original documents along with list. Same are taken on record and marked "X" for identification.

2. Mr.Tated states that in this summary suit whereunder more than a crore of rupees is claimed from the defendants, Summons for Judgement was taken out and after hearing the plaintiff as well as defendants this Court by order dated 16th June 2004 granted conditional leave to the defendants to defend the suit on their depositing a sum of Rs.90.00 lakh in this Court. That order has not

been complied with. Neither is there any application made to extend time nor the order is challenged any further.

3. I have perused the order passed on the Summons for Judgement wherein after noting rival contentions, this Court granted liberty to the defendants to make good their case provided they deposit a sum of Rs.90.00 lakh. It is clear that the suit was maintainable as a summary suit. It is further clear that this Court after considering the rival contentions passed the aforesaid order. The condition being not complied with, the consequences are also provided in the same order.

4. There will be a decree as prayed. Non Deposit Certificate although applied for is not being made available, according to Mr.Tated, appearing for the plaintiff.

5. In the light of the order passed on the Summons for Judgement and further time stipulated therein having long expired, the plaintiff is entitled to a decree as prayed. Refund of court fees as well as computation of advocates' costs as per rules.

((-3-))

6. Office to place non deposit certificate on record of this suit within a period of one week from today.

(S.C.DHARMADHIKARI, J.)